

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 399

HOUSE CONCURRENT RESOLUTION "D-1"

(Baldwin, Lowe, Bye, Mueller, Vinje, Saugstad, Van Sickle, Sorlie)
(McInnes, Anderson (Richland) and Gress)

ONE MILL LEVY FOR COLLEGE BUILDINGS

A concurrent resolution for an amendment to the Constitution of the state of North Dakota authorizing a levy of a tax of one mill for the purpose of creating a fund for the construction and improvement of buildings at state institutions of higher learning and the issuance of tax anticipation certificates.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the following proposed amendment to the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the general election to be held in November 1958, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

§ 1.) In addition to the levies authorized by section 174 of the Constitution, there shall be levied annually upon all the taxable property in the state of North Dakota beginning with the year 1959 and ending in the year 1973, a tax of one mill for the purpose of creating a fund, subject to appropriation by the legislative assembly, for the construction of, and for improvements and additions to, buildings of state higher educational institutions. The legislative assembly shall be authorized to irrevocably pledge such fund and future levies for the fund for the payment of higher education building certificates and interest thereon. Issuance and sale of such certificates may be authorized by the legislative assembly in a total principal and interest amount not exceeding eighty percent of the anticipated tax yield of the tax levy provided in this section.

Filed March 8, 1957.

CHAPTER 400

HOUSE CONCURRENT RESOLUTION "R"

(Anderson of Eddy-Foster, Anderson of Cass, and Anderson of
(Richland))

INITIATIVE, REFERENDUM, CONSTITUTIONAL AMENDMENTS,
PUBLICITY PAMPHLET

A concurrent resolution for an amendment of sections 25 and 202 of the Constitution of the state of North Dakota relating to the powers of initiative and referendum, and future amendments to the Constitution.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the following proposed amendments to sections 25 and 202 of the Constitution of the state of North Dakota are agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the general election to be held in November 1958, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

1.) Section 25 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 25. The legislative power of this state shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Ten percent of all the electors voting for the office of governor at the last preceding gubernatorial election may propose any measure by initiative petition. Every such petition shall contain the full text of the measure and shall be filed with the secretary of state not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Seven percent of all the electors voting for the office of governor at the last preceding gubernatorial election may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure, shall not prevent the remainder from going into effect. Such petition shall be filed with the secre-

tary of state not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the secretary of state and shall be voted upon at any statewide election designated in the petition, or at a special election called by the governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

Any measure, except an emergency measure, submitted to the electors of the state, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the 30th day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency petition such measure shall be a law until voted upon by the electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the electors at a special election if so ordered by the governor, or if the referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the governor, and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the legislature.

The secretary of state shall pass upon each petition, and if he finds it insufficient, he shall notify the "Committee for the Petitioners" and allow twenty days for correction or amendment. All decisions of the secretary of state in regard to any such petition shall be subject to review by the supreme court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the secretary of state shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petitions, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title, which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "Committee for the Petitioners" and who shall represent and act for the petitioners.

The enacting clause of all measures initiated by the electors shall be: "Be it enacted by the people of the State of North Dakota". In submitting measures to the electors, the secretary of state and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the governor shall not extend to the measures initiated by or referred to the electors. No measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature except upon a yea and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self-executing and all of its provisions treated as mandatory. Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

§ 2.) Section 202 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 202. Any amendment or amendments to the Constitution of the state may be proposed in either house of the legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house, it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this Constitution.

Amendments to the Constitution of the state may also be proposed by an initiative petition of the electors; such petition shall be signed by ten percent of all the electors voting for the office of governor at the last preceding gubernatorial election and shall be filed with the secretary of state at least one hundred twenty days prior to the election at which they are to be voted upon, and any amendment, or amendments so proposed, shall be submitted to the electors and become a part

of the Constitution, if a majority of the votes cast thereon are affirmative. All provisions of the Constitution relating to the submission and adoption of measures by initiative petition, and on referendum petition shall apply to the submission and adoption of amendments to the Constitution of the state.

Filed March 8, 1957.

CHAPTER 401

HOUSE CONCURRENT RESOLUTION "Z" (Gefreh)

TERMS OF STATE AND COUNTY OFFICES

A concurrent resolution for amendment of sections 71, 82, 110, and 173 of the Constitution of the state of North Dakota, relating to terms of offices.

Be It Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That the following proposed amendments to sections 71, 82, 110, and 173 of the Constitution of the state of North Dakota are agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the general election to be held in November 1958, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended.

§ 1. Amendment.) Section 71 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 71. The executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of four years and until his successor is elected and duly qualified, except that the governor elected in the November 1958 general election shall hold office for the term of two years and until his successor is elected and duly qualified.

§ 2. Amendment.) Section 82 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 82. At the first general election after the adoption of this amendment, and every four years thereafter, there shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislative assembly, a

secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, an attorney general, a commissioner of agriculture and labor, and a tax commissioner, who shall have attained the age of twenty-five years and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government for the term of two years when elected in the year 1958, but for the term of four years when elected thereafter, and until their successors are elected and duly qualified; but no person shall be eligible for the office of treasurer for more than two consecutive terms.

The board of railroad commissioners shall hereafter be known as the public service commission and the members of the board of railroad commissioners as public service commissioners and the powers and duties now or hereafter granted to and conferred upon the board of railroad commissioners are hereby transferred to the public service commission.

As each of the three public service commissioners now holding office completes his term, his successor shall be elected for a term of six years, who shall have attained the age of twenty-five years, shall have the qualifications of a state elector and shall hold office at the seat of government, and their respective successors shall be elected for like terms and under like conditions thereafter.

§ 3. Amendment.) Section 110 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 110. There shall be established in each county a county court, which shall be a court of record open at all times and holden by one judge, elected by the electors of the county, and whose term of office shall be four years, except that such county judges elected in the 1958 general election shall each have a two-year term of office.

§ 4. Amendment.) Section 173 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

SECTION 173. At the first general election after the adoption of this amendment, and every four years thereafter, there shall be elected in each county, organized under the provisions of section 172 of the Constitution of the state of North Dakota, a county superintendent of schools, a register of deeds, county auditor, treasurer, sheriff, state's attorney, county judge and clerk of the district court, who shall be electors in the county in which they are elected and who shall hold office until their successors are elected and qualified; provided in counties

having fifteen thousand population or less, the county judge shall also be clerk of the district court; provided further that in counties having a population of six thousand or less the register of deeds shall also be clerk of the district court and county judge. The legislative assembly shall enact appropriate legislation to make this amendment effective at their first session after its adoption.

Filed March 8, 1957.

CHAPTER 402

SENATE CONCURRENT RESOLUTION "B-B"

(Brooks, Leier, Wartner, Holand, Hernet, Dolan, Roen, Schrock,
 (George, Larson, Sayer, Johnson, Klefstad, Vendsel, Erickson,
 (Wenstrom, Foss and Erickstad)

ELECTIVE FRANCHISE

A concurrent resolution providing for the amendment of section 121 of article V of the Constitution of the state of North Dakota and the repeal of article 40 of the additions to and amendments of the Constitution of the state of North Dakota, relating to the elective franchise.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following proposed amendment of section 121 of article V of the Constitution of the state of North Dakota and repeal of article 40 of the additions to and amendments of the Constitution of the state of North Dakota is agreed to, and shall be submitted to the qualified electors of the state of North Dakota at the next primary election for approval or rejection in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended:

§ 1. Amendment.) Section 121 of article V of the Constitution of the state of North Dakota, as amended, is hereby amended and reenacted to read as follows:

SECTION 121. Every person of the age of twenty-one or upwards who is a citizen of the United States and who shall have resided in the state one year and in the county ninety days and in the precinct thirty days next preceding any election shall be a qualified elector at such election. Provided that where a qualified elector moves from one precinct to another within the state he shall be entitled to vote in the precinct from which he moves until he establishes his residence in the precinct to which he moves.

§ 2. Repeal.) Article 40 of the additions to and amendments of the Constitution of the state of North Dakota is hereby repealed.

Filed March 8, 1957.

CHAPTER 403

SENATE CONCURRENT RESOLUTION "Q" (Leier, Berube)

INDIAN JURISDICTION

A concurrent resolution for an amendment of paragraph 2 of section 203 of the Constitution of the state of North Dakota, relating to state jurisdiction over lands of the United States and Indian lands.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

The following amendment to paragraph 2 of section 203 of the Constitution of the state of North Dakota is agreed to and shall be submitted to the qualified electors of the state of North Dakota for approval or rejection at the primary election to be held in June, 1958, in accordance with the provisions of section 202 of the Constitution of the state of North Dakota, as amended:

§ 1. Amendment.) Paragraph 2 of section 203 of the Constitution of the state of North Dakota is hereby amended and reenacted to read as follows:

Second. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States, provided, however, that the legislative assembly of the state of North Dakota may, upon such terms and conditions as it shall adopt, provide for the acceptance of such jurisdiction as may be delegated to the state by act of Congress; that the lands belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by this state on lands or property

therein, belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing in this article shall preclude this state from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of Congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of Congress granting the same.

Filed March 8, 1957.